

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

STATE OF WASHINGTON,

Respondent,

v.

SHAWN KEVIN STROMME,

Appellant.

No. 39257-7-II

UNPUBLISHED OPINION

Bridgewater, J. — Shawn Kevin Stromme appeals his convictions for unlawful possession of a controlled substance and unlawful use of drug paraphernalia, arguing that all the evidence against him was seized following a warrantless vehicle search, incident to his arrest, in violation of the Fourth Amendment, as articulated in *Arizona v. Gant*, ___ U.S. ___, 129 S. Ct. 1710, 173 L. Ed. 2d 485 (2009).¹ The State concedes that Stromme is correct.

We accept the State's concession, vacate Stromme's convictions and remand for resentencing on the remaining conviction for driving while license suspended, which was not

¹ A commissioner of this court initially considered Stromme's appeal as a motion on the merits under RAP 18.14 and then transferred it to a panel of judges.

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based on the evidence seized following the warrantless search.²

A majority of the panel has determined that this opinion will not be printed in the Washington Appellate Reports but it will be filed for public record. RCW 2.06.040.

Bridgewater, J.

We concur:

Houghton, J.

Van Deren, C.J.

² Stromme brought a CrR 3.6 motion to suppress the evidence and so preserved the issue for appeal.